

*[Insert name and address of relevant licensing authority and its reference number (optional)]*

**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure  
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

**I Mark Vyse**

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 / of the Licensing Act 2003 for the  
premises described in Part 1 below

**Part 1 – Premises or club premises details**

|  |                                     |
|--|-------------------------------------|
| <b>Postal address of premises or, if none, ordnance survey map reference or description</b><br>The Leopard<br>33 London Road<br>Nantwich<br>Cheshire |                                     |
| <b>Post town</b> Nantwich  | <b>Post code (if known)</b> CW5 6LJ |

|   |
|---|
| <b>Name of premises licence holder or club holding club premises certificate (if known)</b> |
|---|

|   |
|---|
| <b>Number of premises licence or club premises certificate (if known)</b> |
|---|

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

2) a responsible authority (please complete (C) below)

☒ X

3) a member of the club to which this application relates  
(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

☐

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Mark Vyse  
Cheshire East Council  
Delamere House  
Delamere Street  
Crewe  
Cheshire  
CW1 2LL

Telephone number (if any)

E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**X**

**Please state the ground(s) for review** (please read guidance note 2)

The area known as the Hunters Hideout, which is an enclosed dining/drinking area adjacent to the **beer garden, backs on to the boundary fence of Jackson Avenue**. Whenever it is hired out for **private functions the noise overspill into Jackson Avenue** is such that it leaves the garden unusable. There are grounds to issue an abatement notice under legislation within the Environmental Protection Act 1990, which is currently suspended pending this licence review, however a licence review is the most robust method of stopping use of the area and ensuring it doesn't return to use without appropriate controls in place for noise as well as other controls being put in that place that would impact the level of noise e.g. layout, hours of use etc. I would like to remove from the premises licence the Hunters Hideout, which is shown on the red line plan as "The Patio".



**Please provide as much information as possible to support the application** (please read guidance note 3)

When the Hunters Hideout is in use there can be up to 60 people in a concentrated area, talking, shouting, singing as well as music from the p.a. system that is used and the overspill of sound into Jackson Avenue is such that you couldn't hold a conversation in the adjacent house garden without shouting and in my professional opinion the sound levels audible can be considered a statutory nuisance, defined as "an unreasonable act or emission which materially or substantially affects you in your property in such a way as to interfere with your enjoyment and comfort on a regular basis".

For example, you couldn't concentrate on reading a book or newspaper in the garden or just sit and relax without hearing an overspill of noise. Video footage of a BBQ held at a property on Jackson Avenue shows just how intrusive the sound can be. (video1)

The property is also fitted with bi-fold doors which cannot be opened when the Hideout is in use as the noise can be heard within the property. On occasion it is so loud that watching TV in the living room is not possible.

The Hunters Hideout is currently subject to a retrospective planning application which has been ongoing for over 12 **months**.

**Below is a summary of Environmental Protections investigation –**

- Aug 24<sup>th</sup> 2023 – Complaint received of possible noise nuisance.
- Sept 5<sup>th</sup> 2023 – Letter to customer asking them to complete a noise diary.
- Sept 5<sup>th</sup> 2023 – Letter to The Leopard informally requesting they consider the complaint.
- Oct 11<sup>th</sup> 2023 - Noise diary returned initial assessment of probable statutory nuisance.
- Oct 12<sup>th</sup> 2023 – Letter to The Leopard confirming a formal investigation.
- Nov 7<sup>th</sup> 2023 – Noise monitor installed in Jackson Avenue.
- Nov 30<sup>th</sup> 2023 – Recording reviewed, not regularity needed to be a stat nuisance. It was noted that noise recorded even though only on one night was very loud and very intrusive.
- December 2023 – Complaint placed on hold pending planning enforcements investigation.
- March 2024 – Complaints of noise received.
- April 2024 – Joint meeting with Planning Enforcement and The Leopard to discuss resolution to complaint.
- July 2024 Noise monitor installed, recording assessed.



Leopard July  
2024.mov

Video one The Hunters Lodge recorded from rear garden of house on Jackson Avenue.

Dates noise overspill has affected residents of Jackson Ave (to date).

16th March first party since the closure during winter.

22nd March

29th March

30th March  
6th April  
26th April  
27th April  
10th/ 11th May  
17th May  
28th May  
7th June  
18th June  
21st/ 22nd and Sunday 23rd June ( first Sunday it has been open)  
29th/ 30th June  
5th July  
12th / 13th July  
19th/ 20th/ 21st July  
26th/ 27th/ 28th July  
2nd/ 3rd /4th August  
9th/ 10th August  
17th August



If yes please state the date of that application

| Day |  | Month |  | Year |  |
|-----|--|-------|--|------|--|
|     |  |       |  |      |  |

**If you have made representations before relating to the premises please state what they were and when you made them**

yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate **x**
- I understand that if I do not comply with the above requirements my application will be rejected **x**

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature    Mark Vyse

.....

Date            21/08/2024

.....

Capacity    **Environmental Health Officer**

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



The Leopard  
33 London Road  
Nantwich  
Cheshire  
CW5 6LJ

**Regulatory Services and Health**  
Delamere House  
Delamere Street  
Crewe  
CW1 2LL

DATE: 05/09/23

OUR REF: N71/68149

Please Contact: Mark Vyse

Direct Dial: [REDACTED]

Email: [REDACTED]

Dear Sir/Madam,

**Subject: Environmental Protection Act 1990  
Licensing Act 2003  
Amplified Music from – Amplified Music / Outdoor PA**

I regret to inform you, that Cheshire East Council has received a complaint concerning the excessive volume of amplified music and people noise from your premises. In particular, the complainant alleges that –

Noise from amplified music was audible within their property disturbing them and preventing them watching / listening to the television.

The majority of complaints received from residents concern amplified music or voices. For example karaoke, live bands, recorded music and DJ's. It is often the "bass beat" or low frequency content of the music that causes complaint as this can subjectively be heard as a thumping type noise in homes. The bass beat can also travel for some distance and through closed double glazed windows.

#### **Environmental Protection Act 1990 – Statutory Noise Nuisance**

This Department shall progress the report via the statutory nuisance regime enshrined in the Environmental Protection Act 1990. If further complaints are received, a formal investigation will commence involving officer observation visits and/or installation of noise monitoring equipment.

If a statutory nuisance is substantiated, a noise abatement notice maybe served. It is an offence to fail to comply with the conditions of a noise abatement notice and on summary conviction a person who commits an offence on a business premises shall **be liable on summary conviction to a fine of an unlimited financial amount.**

In addition, consideration will be made to 'calling-in' the premises license for review. This could result in the attachment of conditions to protect the interests of local residents to ensure the 'prevention of public nuisance', licensing objective is upheld.

## **Licensing Act 2003 – Premises Licence: 281**

### **Condition 1.**

No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.

This complaint has been forwarded to the Licensing Department in order to assess compliance with the above conditions.

### **Live Music Act 2012**

I appreciate that there may be confusion with regards to the recent deregulation of performing amplified live music. Our licensing section has informed us that this only applies to the area licensed to sell alcohol.

I would advise that you contact the licensing section with regards to future events. If you wish to hold a one-off event, you must give a temporary event notice (TEN) to Cheshire East Council. For further information and to download a TEN application form, check Cheshire East Council website at: [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk) (type Temporary event notice in the search box).

### **Planning Permission**

There are sometimes circumstances where planning conditions have been set which may impact on your activities. If the Planning Permission and the Premises Licence differ; for example where the Planning Authority have set a terminal hour which is earlier than those conditioned by the Premises Licence; you must abide by the earlier time otherwise you leave yourself open to enforcement action.

Should you require further advice or information, please contact me via my contact details above.

Yours sincerely

**Mark Vyse | Environmental Health Officer | Environmental Protection**

Enc. Guidance on the Control of Noise from Pubs, Clubs and Licensed Premises

# **Guidance on the Control of Noise from Pubs, Clubs and Licensed Premises**



The Council regularly receives complaints about noise from pubs and clubs.

The majority of noise complaints usually arise where premises are close to residential properties or share adjoining structures. This is because entertainment noise can break out or be transmitted through the structure to the adjoining property, where it can cause problems.

## **WHAT YOU CAN DO:**

The most simple, effective and least costly are:

Consider where the music is being played – can you move it to another room, which is further away from noise sensitive properties or has less windows or openings?

Control the noise at source by reviewing:

- The type of music being played and or reducing the bass content of the music.
- Reviewing the location, direction and number of speakers.
- Play the music at the right volume for your premises!

Informing performers of any noise problems and associated controls and monitor their compliance.

Keep the windows and doors of adjacent rooms, such as toilets and corridors, closed especially if they are next to noise sensitive properties.

Doors should not be opened unnecessarily.

NB for health and safety reasons it is very important to ensure the premises are properly ventilated and that access to emergency exits is not restricted.

Emergency exits should have well sealed acoustic doors, which open in the direction of escape.

Keep speakers inside the premises and do not position them near to openings such as doors, windows or extractors.

Do not deliberately play or direct music outside the premises as a mean of attracting custom.

## **OTHER MEASURES TO CONSIDER INCLUDE:**

Provide sound insulation to emergency exit doors and extractor fans.

Install noise-limiting devices connected to all permanent music and public address equipment and all available mains power sockets within the area of the stage/music equipment. This should be sited away from the entertainers to prevent it from being overridden – it's best to keep it locked away!

Relocation and/or isolation of speakers which are adjacent to wall or ceiling mounted extractors.

Mounting speakers on rubber or similar material to reduce transmission of structure-borne noise.

Consider the need for acoustic windows.

The provision of mechanical ventilation or air conditioning systems that will enable doors and windows to be kept closed – But remember that this plant can also create noise or allow breakout through ductwork and will often need acoustic treatment.

Consider providing Door Staff to control entrances & exits.

Consider the necessity for the provision of sound lobbies (with two sets of self closing doors) for entrances and exits. Where possible the distance between inner and outer doors should be sufficient to ensure



that one door set can naturally close before the next is opened.

The advantage of lobbied doorways are that they are directly under the control of the licensee and provide a calming transitional phase between the potentially noisy interior and quieter external environment.

### **NOISE FROM CUSTOMERS**

Problem or rowdy behaviour can arise as closing time approaches and at the end of the evening. Consideration should be given to the following measures:

If music has been playing, consider reducing the volume and/or playing slower, more mellow music as the evening draws to a close. This can encourage patrons to leave in a less rowdy manner, spread over a longer period so that the peak number leaving and peak noise are reduced.

Door staff should also assist in minimising disturbance by actively managing entrances and exits. Provide guidance to staff on their responsibilities to minimise noise from patrons as they arrive; queue and depart.

Methods to control queuing outside premises and control of congregations of patrons outside premises on departure.

Where noise-sensitive properties overlook the frontage of your premises – consider an alternative exit route to a rear or side street, which may minimise disturbance.

Put signage close to exit doors and in car parks advising that there are residential properties close-by and requesting patrons to leave quickly and quietly.

**Arrangements** for calling taxis, private hire vehicles etc and possible liaison with dedicated service provider. Steps should be taken to ensure that any such operator, and all drivers, are aware that they should arrive and depart as quietly as possible and should not sound their horns or leave engines idling unnecessarily.

### **STAFF**

In addition to Patrons arriving and leaving the premises it should be remembered that Staff could also cause a disturbance as they are generally leaving later than patrons. It should be ensured that staff who arrive early morning or depart late at night when the business has ceased trading, conduct themselves in such a manner as to avoid causing disturbance to nearby residents.

### **COMMUNICATION**

It is recommended that licensees take a proactive approach to **public relations**. Maintaining open communications with residents can prevent noise complaints. For example if an outdoor event is planned, a letter to local residents advising them of the event, it's finishing time and contact details can be helpful. In situations where there is a history of complaint, it can be useful to hold regular liaison meetings with local residents.

### **TEMPORARY EVENTS**

Temporary events must be covered by a Temporary Event Notice (TEN). For further information and to download a TEN application form, check Cheshire East Council website at: [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk) (type Temporary event notice in the search box).

### **FIREWORKS**

The use of fireworks is controlled by the Fireworks Regulations 2004. These regulations prohibit the use of fireworks between 23:00 and 07:00, with extensions on certain occasions including until 01:00 on New Year's Eve and midnight on 5 November. These regulations are enforced by the Police.

**For further advice or information contact:**



0300 123 5015



[environmentalprotection@cheshireeast.gov.uk](mailto:environmentalprotection@cheshireeast.gov.uk)

Regulatory Services & Health | Westfields  
Middlewich Road  
Sandbach | CW11 1HZ

The Manager  
The Leopard  
33 London Road  
Nantwich  
Cheshire  
CW5 6LT

**Regulatory Services and Health**  
Delamere House  
Delamere Street  
Crewe  
CW1 2LL

DATE: 12/10/23

OUR REF: N43/68149

Please Contact: Mark Vyse  
Direct Dial: [REDACTED]  
Email: [REDACTED]

Dear Sir/Madam

**Environmental Protection Act 1990  
Complaints of Nuisance: Amplified music and people noise.**

I am writing further to my letter of 05/09/23 regarding a complaint of noise nuisance arising from the above premises.

The purpose of this letter is to advise you that it is my intention to pursue a formal investigation, as further information has been received which suggests that the complaint may be justified. In particular the complainant has submitted a noise diary recording noise events over a 21-day period. These were submitted with several video clips of the alleged nuisance.

As part of this investigation noise monitoring equipment, or officer visits may be used to determine if a noise nuisance exists. If a Statutory Nuisance is witnessed then I am obliged by law to take further action, which may result in legal proceedings being taken against you.

**Legal proceedings may include the service of an abatement notice on yourself. If you breach such a notice you may be liable to prosecution in a Magistrates' Court and you could be fined up to an unlimited financial penalty per offence. In addition, the Council may seek to take direct action to abate the nuisance which may involve the confiscation of noise making equipment.**

At this stage if the alleged problem stops, then no further action will be undertaken.

If for any reason you think that an investigation into this complaint is unjustified, or you have questions regarding the contents of this letter and its implications, please contact me on the above telephone number.

Yours faithfully




**Mark Vyse | Environmental Health Officer | Environmental Protection**

All other enquiries **0300 123 5500**

[www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

NOTES:  
 All drawings and specifications are subject to change without notice.  
 All measurements are to centre line unless otherwise stated.

KEY:

-  FIRE EXITS
-  FIRE EXTINGUISHER
-  NEW FIXED STRUCTURE

PROPOSED FLOOR PLAN



SCALE  
 0m 1m 2m 3m 4m 5m 6m 7m 8m 9m 10m

Rev: 01  
 Date: 10/10/2011  
 Drawn by: PDM  
 Date: OCT 21

CUSTOMER REQUESTS  
 The Client has requested that the building be designed to meet the following requirements:  
 1. The building must be designed to meet the requirements of the Building Regulations.  
 2. The building must be designed to meet the requirements of the Planning Regulations.  
 3. The building must be designed to meet the requirements of the Environmental Regulations.

Client: Jonathan Brumby

Job No: 10101  
 PROPOSED FLOOR PLAN

Drawing Title:  
 Single Storey Extension to:  
 LEOPARD  
 33 London Road  
 Nantwich  
 CH5 6LJ

Drawn by: 11/10/2011  
 Scale: As shown  
 Rev: 01

**NOTES:**  
 All drawings and specifications remain the property of Custom Design Projects.  
 All dimensions must be checked on site and are subject to the survey.  
 All drawings must be approved by the Agent (Surveyor).

| Rev       | Date | Revisions   |
|-----------|------|-------------|
| Drawn by: | pdn  | Date: 04/21 |

## Custom Design Projects

The Cottage  
 Albert Road  
 Whitburch  
 Shropshire  
 SY13 1NR

Tel: (01948) 663306

G-mail  
[dawnmiller@bunternet.com](mailto:dawnmiller@bunternet.com)

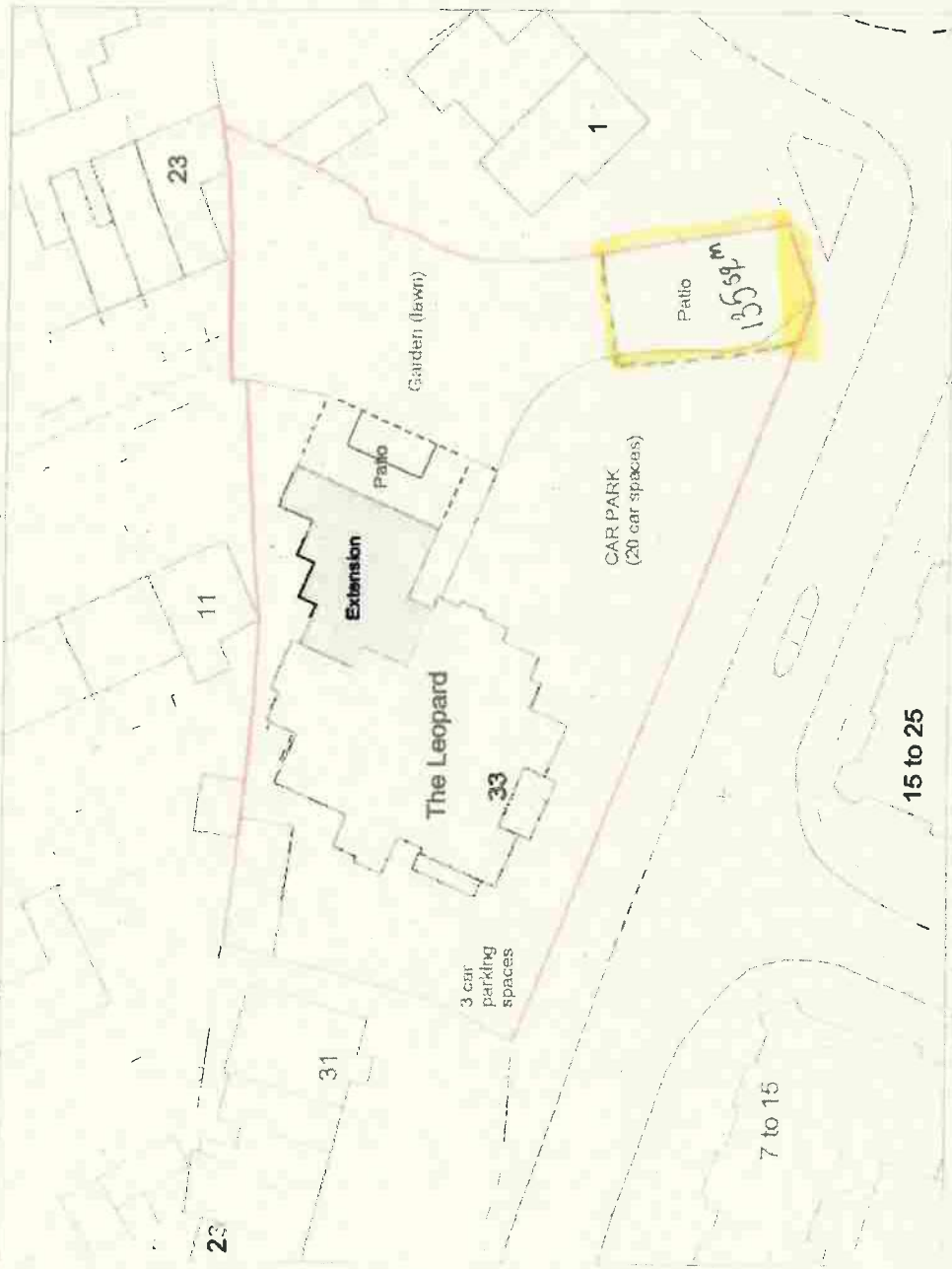
© 2021  
 This drawing must be used in accordance with the conditions of sale.

Client: Ladies Brewery

Job Title: Single Storey Extension  
 The Leopard  
 23 London Road  
 Northwich CW5 6LU

Drawing Title:  
 EXISTING SITE PLAN

Dwg No: 21055/02  
 Scale: A4(1:500)  
 Rev:



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